

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

In Re:

MELISSA DE HOSTOS ÁLVAREZ

Debtor(s)

Case No.: 09-06440 (MCF)

Chapter 13

**TRUSTEE'S POSITION AS TO DEBTORS' REQUEST FOR RECONSIDERATION OF
DISMISSAL**

TO THE HONORABLE COURT:

NOW COMES José R. Carrión, Chapter 13 Trustee, through the undersigned attorney, and very respectfully alleges and prays:

1. This Honorable Court entered an Order dismissing the present case on August 5, 2011 (Docket 37) for Debtor's failure to make payments under the confirmed plan.

2. On June 30, 2011, Debtor filed a motion requesting reconsideration of said Order of Dismissal, stating that the arrears were caused by Debtor's inability to make a \$15,000.00 lump sum payment that was scheduled for August 2011 (Docket 39). Debtor stated that she expected that, by December, she would be able to complete negotiations to refinance a property and provide details of when she would obtain the needed funds.

3. The Trustee hereby **opposes** Debtor's request for reconsideration of dismissal. Even if Debtor amended the confirmed plan to extend the term to provide the lump sum payment, she is also \$600.00, or two monthly payments, in

default under the confirmed plan. Below is a summary of Debtor's payment history:

Period	Date (Month/Year)	Payment Due	Payment Received	Deferred Amount	Amount Due
1	9/2009	\$300.00	\$300.00		\$0.00
2	10/2009	\$300.00	\$300.00		\$0.00
3	11/2009	\$300.00	\$300.00		\$0.00
4	12/2009	\$300.00			\$300.00
5	1/2010	\$300.00	\$300.00		\$300.00
6	2/2010	\$300.00	\$300.00		\$300.00
7	3/2010	\$300.00	\$600.00		\$0.00
8	4/2010	\$300.00			\$300.00
9	5/2010	\$300.00	\$300.00		\$300.00
10	6/2010	\$300.00			\$600.00
11	7/2010	\$300.00	\$600.00		\$300.00
12	8/2010	\$300.00			\$600.00
13	9/2010	\$300.00	\$900.00		\$0.00
14	10/2010	\$300.00			\$300.00
15	11/2010	\$300.00			\$600.00
16	12/2010	\$300.00	\$300.00		\$600.00
17	1/2011	\$300.00			\$900.00
18	2/2011	\$300.00			\$1,200.00
19	3/2011	\$300.00	\$300.00		\$1,200.00
20	4/2011	\$300.00			\$1,500.00
21	5/2011	\$300.00	\$900.00		\$900.00
22	6/2011	\$300.00			\$1,200.00
23	7/2011	\$15,300.00			\$16,500.00
24	8/2011	\$300.00	\$1,500.00		\$15,300.00
25	9/2011	\$300.00	\$300.00		\$15,300.00
26	10/2011	\$300.00			\$15,600.00

Total Delinquent Amount: \$15,600.00

4. Furthermore, it appears that Debtor has incurred in post-petition mortgage arrears, per the motion filed by Banco Popular de Puerto Rico on September 14, 2011 (Docket 40). Debtor, therefore, has failed to comply with the provisions of the confirmed plan, which states that Debtor will maintain direct mortgage payments to such entity (Docket 20), in violation of 11 U.S.C. §1327.

WHEREFORE, the Trustee respectfully requests that this Honorable Court take notice of the abovementioned and deny Debtors' request for reconsideration of dismissal.

RESPECTFULLY SUBMITTED

CERTIFICATE OF SERVICE: The Chapter 13 Trustee certifies that a copy of this motion has been served by regular US Mail **on this same date to:** the DEBTOR(s) and her/his/their attorney and all Creditors and Parties in Interest to their respective address of record as they appear in the attached master address list to the address of record, if not an ECFS register user.

In San Juan, Puerto Rico this 28th day of October, 2011.

/S/ Alexandra Rodríguez Díaz- Staff Attorney

Bar No. 224,311

/S/ José R. Carrión

JOSE R. CARRION

CHAPTER 13 TRUSTEE

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The undersigned hereby certifies that a true copy of the foregoing document was mailed by first class mail to the parties listed below:

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DATED: October 28, 2011

Nilda Muniz

OFFICE OF THE CHAPTER 13 TRUSTEE